

SHEBOYGAN COUNTY ORDINANCE NO. 13 (2009/10)

Re: **Repealing and Re-creating Chapter 24 of the Sheboygan County Code To Provide for Regulation and Fees for Sheboygan County's Parks and Recreational Facilities**

** Printed as amended*

WHEREAS, Chapter 24 of the Sheboygan County Code dealing with recreational trail regulations only addresses the Old Plank Road Trail, the Interurban Trail, and the snowmobile trails that are part of the DNR Snowmobile Aids program, and

WHEREAS, Chapter 25 of the Sheboygan County Code separately provides for regulations of the Marsh Park and Chapter 27 separately provides for regulations of the Gerber Lakes Public Fish & Wildlife Area, and

WHEREAS, there are no integrated regulations of all of the County's parks, and recreational facilities, including the six boat launching facilities administered by the Planning and Resources Department, and

WHEREAS, as Sheboygan County has expanded the recreational facilities for its residents such as acquiring the Gerber Lakes site, establishing the Interurban Trail, and extending the Old Plank Road Trail, the expenses necessary to support these facilities is growing and it is appropriate that those who use the facilities contribute to the expenses of maintaining the facilities, and

WHEREAS, Sheboygan County is one of the few local governments in the State of Wisconsin that has not exercised the option provided by Wis. Stat. Sec. 30.77(3) to charge fees for boat launches and other recreational facility use, and even with the fee proposals as set forth below, Sheboygan County would be charging significantly less than other similar communities and counties, and

WHEREAS, pursuant to Wis. Stat. § 66.0628(2), the County Board finds that the proposed fees as set forth hereafter, bear a reasonable relationship to the service for which the fee is imposed, and

WHEREAS, it is appropriate for the regulations of Chapter 24 to be rewritten to take into account the foregoing and that the other related Chapters of the Code be repealed;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Creating Chapter 24 of the Sheboygan County Code**. Chapter 24, Recreational Trail and Public Snowmobile Trail Regulations, is hereby repealed and re-created to read as follows:

Chapter 24
PARKS AND RECREATIONAL FACILITIES

24.01 PURPOSE. This Chapter prescribes rules and regulations for the establishment, protection, development, and management of county recreation facilities so as to provide to Sheboygan County residents and visitors recreational benefit while at the same time insuring the conservation of fish, game, and natural resources.

These rules are necessary to promote and protect the safety of all persons using the recreational facilities, to preserve and maintain the facilities, and to protect the property of the landowners whose property adjoins or is impacted by the facilities. These rules also endeavor to provide that those who use the facilities contribute to the care and upkeep of the facilities.

24.02 Scope. Except as provided otherwise herein, the provisions of this chapter shall apply to all lands, structures, and property owned, leased or administered by the Sheboygan County Planning and Resources Department operating in conjunction with the County Board and the Planning, Resources, Agriculture, and Extension Committee.

24.03 DEFINITIONS. For the purposes of this Chapter:

- (1) "Boat launching facility" means a location regulated, maintained, and administered by the Department designed for persons to launch watercraft into the public waters of the State.
- (2) "Camping" means the use of any shelter such as a tent, trailer, motor vehicle, tarpaulin, bed roll, or sleeping bag for temporary residence or sleeping purposes.
- (3) "Campsite" means a portion of a campground, which is designated for use by a camping unit.
- (4) "Committee" means the County Board's Planning, Resources, Agriculture, and Extension Committee.
- (5) "Designated Crossing Areas" shall mean areas on the recreational trail authorized by Sheboygan County or participating municipalities and designated by appropriate signage where pedestrians, motor vehicles, or other vehicles may enter and cross the recreational trails.
- (6) "Department" means the Sheboygan County Planning and Resource Department.
- (7) "DNR" means the Wisconsin Department of Natural Resources.
- (8) "Facilities" means the parks, boat launching facilities, recreational trails, waysides, and public snowmobile trails which are the subject of this Ordinance.
- (9) "Family" means up to two adult individuals related as spouses or domestic partners and their children or stepchildren between the ages of 16 and 21 and residing at the same address. When used in the context of a firm, partnership, corporation, limited liability company, limited

liability partnership, or other association of persons, family shall mean any partner, shareholder, interest holder, or association member or customer thereof.

- (10) "Group" means an organized activity involving ten (10) or more people who intend to use facilities in a manner that is different from how ten (10) unrelated people would use the same facilities.
- (11) "Interurban Trail" means that parcel of land owned, leased, or obtained by easement or license by Sheboygan County and participating municipalities along the corridor of the former electric passenger railway operated by the Milwaukee Electric Railway and Light Company in Sheboygan County and other portions of the Interurban Trail beyond the confines of such corridor and administered by the Department as a recreational trail.
- (12) "Motor Vehicle" shall include any motorized automobile*, truck, all-terrain vehicle, snowmobile, motorcycle, trailer, wagon, moped, airplane, personal assistive mobility device (Segway), or any other motorized mode of transportation not listed.
- (13) "Old Plank Road Trail" means that parcel of land owned, leased or obtained by easement or license by Sheboygan County adjacent to Highway 23 administered by the Planning and Resources Department as a recreational trail.
- (14) "Park" includes all lands and water heretofore and hereafter acquired by Sheboygan County and assigned for park or recreational purposes and placed under the jurisdiction of the Committee.
- (15) "Person" includes any individual, firm, partnership, corporation, limited liability companies (LLCs), limited liability partnerships (LLPs), or other associations of persons, both singular and plural.
- (16) "Public Snowmobile Trail" means those areas identified on a current snowmobile trail system map on file with the Department which describes trail locations, trail classifications, and existing trail mileage by classification and which locations participate in the Wisconsin DNR Snowmobile Aids program and administered by the Department.
- (17) "Recreational Trail" means any parcel of land owned, leased, or obtained by easement or license by Sheboygan County and administered by the Planning and Resources Department in the form of a paved or unpaved

thoroughfare or trail across land used for recreational purposes such as bicycling, cross-country skiing, biking, ***walking**, jogging, or similar fitness activities or for commuting to work, school, or business in a similar manner. Recreational trails include the Interurban Trail, the Old Plank Road Trail, any connectors thereto, any other similar trails under the administration of the Planning and Resources Department.

- (18) "Sheboygan Marsh Park Restaurant" means the restaurant owned by Sheboygan County at the Marsh Park and leased and operated by third parties pursuant to an agreement between Sheboygan County and the operators. This term shall also refer to the delegation and administration of duties to the operators.
- (19) "Wayside" means land acquired and maintained by the Sheboygan County Highway Department. The regulations herein relate to the recreational use of this land only as administered by the Planning and Resources Department.
- (20) "Winter season" means the period from November 1 to April 1 annually.
- (21) "Watercraft" includes boats, jet skis, canoes, kayaks, and inflatable rafts exceeding six (6) feet in length.

24.04 DESIGNATION OF PARKS, BOAT LAUNCHING FACILITIES, RECREATIONAL TRAILS, WAYSIDES, AND PUBLIC SNOWMOBILE TRAILS SUBJECT TO THIS CHAPTER.

- (1) The boundaries of all parks, boat launching facilities, recreational trails, and waysides shall be designated by the Committee.
- (2) The parks subject to this Chapter are:
 - (a) Broughton Sheboygan Marsh Park and Wildlife Area (Marsh Park);
 - (b) Gerber Lakes Public Fish and Wildlife Area (Gerber Lakes).
- (3) The boat launching facilities subject to this Chapter are:
 - (a) The boat launching facility owned and maintained by Sheboygan County on Crystal Lake;
 - (b) The boat launching facility owned and maintained by Sheboygan County on Elkhart Lake;

- (c) The boat launching facility owned and maintained by Sheboygan County on Little Elkhart Lake;
 - (d) The boat launching facility owned and maintained by Sheboygan County on Gerber Lake;
 - (e) The boat launching facility owned and maintained by Sheboygan County on Jetzers Lake;
 - (f) The boat launching facility owned and maintained by Sheboygan County at Broughton Sheboygan Marsh Park.
- (4) The recreational trails subject to this Chapter are:
- (a) Old Plank Road Trail;
 - (b) The Interurban Trail in Sheboygan County;
- (5) The waysides subject to this Chapter are:
- (a) The wayside at Pigeon River at County Road LS;
 - (b) The “Esslingen Park” wayside at Lower Falls Road.
- (6) The Public Snowmobile Trails subject to this Chapter are those areas identified on a current snowmobile trail system map on file with the Planning and Resources Department which describes trail locations, trail classifications, and existing trail mileage by classification and which locations participate in the Wisconsin DNR Snowmobile Aids program and administered by the Department.

24.05 COMMON USE REGULATIONS. The following regulations shall be common to all parks, boat launching facilities, recreational trails, waysides, and public snowmobile trails:

- (1) All facilities shall be open to the public throughout the year for recreational purposes. No person shall loiter or otherwise park or be present upon a facility unless the person is engaged in recreational activities.
- (2) The facilities shall be maintained by the Department except during the winter season. During the winter season the only facilities that will be maintained by the Department shall be access roads to winter recreation areas and the operations of the Sheboygan Marsh Park Restaurant. The public snowmobile trails shall be as maintained by snowmobile clubs participating in the DNR snowmobile aids program. The waysides shall be maintained by the Highway Department to the extent necessary for highway safety and transportation purposes.

- (3) The location of all public and private utilities, structures, lines, and pipes within any facilities shall be subject to the control of the Committee, and their construction, erection, repair, or relocation shall be undertaken only after written consent thereto is received from the Committee and the Department. There shall be no private construction unless authorized by the Committee.
- (4) It is unlawful for any person to peddle or solicit business of any nature, to distribute handbills or other advertising matter, or to post signs, posters, or decorations on any facility, or to engage in any commercial enterprise for any purposes whatsoever unless first authorized by the Department.
- (5) It is unlawful for any person to engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance at any facility.
- (6) It is unlawful for any person to disturb, destroy, vandalize, damage, or remove the property or personal effects of others in any facility.
- (7) It is unlawful for any person to disturb, vandalize, damage, deface, remove, or destroy any trees, shrubs, plants, rock, gravel, sand, dirt, or other natural material, to carve, paint, or mark on any rocks, archeological or geological features, signs, walls, or structures, to drive nails into trees, or to move, injure, or deface in any manner any structure including buildings, signs, fences, tables, or other County property except with the approval of the Committee. This prohibition shall include defacing trail markers, signs, or surfaces by spray painting event route markers or other notices. This prohibition shall not include the picking of edible fruits, nuts, and fungi.
- (8) It is unlawful for any person to enter any buildings, installation, or area which may be under construction, locked, or closed to public use and/or to tamper with, use or damage any water control structure, dam, or culvert or to enter or be upon any building, installation, or area after the posted closing time or before the posted opening time or contrary to other posted notices at any facility.
- (9) The washing of cars, persons, pets, cooking utensils for clothing, as well as the cleaning of fish and game is prohibited alongside all of the lakes and streams, or any picnic grounds, playgrounds, recreation areas, boat landings, parking lots or roadways; or within fifty (50) feet

of any pump, fountain, or drinking water outlet at any facility.

- (10) It is unlawful for any person to dispose of any garbage, sewage, bottles, cans, paper, or other waste material in any manner except by placing the same in clearly marked receptacles provided for such purposes or to dump any refuse at any facility. Any such garbage and refuse shall be incidental to recreational use of the facility only.
- (11) Charcoal residue shall not be discarded onto any grounds nor into any containers other than those designated for such purpose.
- (12) It is unlawful for any person to dispose of any personal household garbage in any County refuse container at any facility.
- (13) No person shall operate any vehicle * contrary to official traffic signs at any facility.
- (14) No person shall operate any vehicle at any facility in a manner contrary to the provisions of Wis. Stat. § 346.62.
- (15) It is unlawful to operate or park any vehicle on other than established roads, parking areas, or designated crossing areas within any facility.
- (16) It is unlawful within any facility for any person to start, tend, or maintain any fire or to burn any refuse, except at designated fireplaces, fire rings, or grills unless otherwise posted; and it is also unlawful for any person to leave unattended or abandon any fire, to discard any matches, cigarettes, cigars, pipe ashes, or embers without first extinguishing them. It is unlawful to have a bonfire or campfire in any upright cooking grill.
- (17) It is unlawful for any person to possess, fire, discharge, explode, or set off any squib, cracker, or other explosive, projectile, or pyrotechnic device containing powder or other combustible or explosive material except by permission of the Committee.
- (18) It is unlawful to operate any snowmobile or other snow vehicle in any area or upon any trail at any facility except in areas or upon trails which have been specifically designated by the Department as being part of the public snowmobile trail for utilization of snowmobiles or other snow vehicles.

- (19) It is unlawful to operate any unlicensed motor bicycle or motor vehicle at any facility or for any person to operate a motorcycle without a valid operator's permit.
- (20) It is unlawful for any person to park, stop, or leave standing, whether attended or unattended, any vehicle or watercraft in any manner which is:
 - (a) Blocking, obstructing, or limiting the use of any road, trail, parking lot, or boat launching facility; or
 - (b) Outside of any area provided for such purpose;
 - (c) Contrary to posted notice;
 - (d) Parked in a designated handicap stall without proper permit *
- (21) It is unlawful for any person to allow pet animals to run at large at any time at any facility except that hunting dogs may run at large during hunting season in those areas designated for hunting. Subject to the foregoing, pet animals shall be permitted at any facility provided that they are kept on a leash no longer than ten (10) feet and under the owner's control at all times. Persons shall not allow their pet animals to deprive or disrupt the enjoyment or use of any area by other persons. It is the pet owner's obligation to pick up and properly dispose of all fecal matter of their pets. Pets are not allowed on snowmobile trails during the winter season except on the Old Plank Road Trail.
- (22) It is unlawful for any person to ride or possess a horse at any facility except in designated places.
- (23) It is unlawful for any person to take, catch, kill, hunt, trap, pursue, or otherwise capture any wild animals or birds in any facility or to use firearms or archery equipment at any facility with the express exception that hunting or trapping and the use of firearms or archery equipment associated therewith shall be allowed during established state seasons at that portion of the Marsh Park not designated for camping and at Gerber Lakes. Notwithstanding the foregoing, nothing herein is intended to prohibit archery shooting of carp or other rough fish in waters adjacent to the facilities provided such archery shooting is not otherwise prohibited by law.

24.06 CAMPGROUND REGULATIONS. In addition to the other regulations provided for herein, the following regulations apply to the campgrounds at the Marsh Park as administered by the Sheboygan Marsh Park Restaurant and the Department:

- (1) Camping shall be allowed only at designated campsites and overflow areas as approved by the Sheboygan County Health and Human Services Department in the campgrounds at the Marsh Park and only for persons who have registered with the Sheboygan Marsh Park Restaurant in a manner approved by the Department.
- (2) Except for annual campsites as approved by the Department, no person shall camp and no camping unit shall remain in a campground for a period in excess of fourteen (14) nights in succession. Thereafter, the camping unit must be removed from the property for at least one night before the camping party is eligible to return.
- (3) Except as may be approved by the Sheboygan Marsh Park Restaurant or the Department and consistent with the requirements of the Sheboygan County Health and Human Services Department, it is unlawful for more than one camping party to occupy a single campsite.
- (4) Campsite occupancy will be restricted to only independent camping units. Not more than one recreational trailer, motor home, or pick-up camper may occupy a campsite.
- (5) No registered camping party shall move from its assigned campsite to another campsite in a designated campground without prior approval of the Sheboygan Marsh Park Restaurant.
- (6) No camping party shall set up or take down its camping unit between the hours of 10:00 p.m. and the following 6:00 a.m. except with authorization of the Sheboygan Marsh Park Restaurant or in case of an emergency.
- (7) No person may park any motor vehicle outside the parking area designated at each campsite. No person may park more than 2 motor vehicles, except that as many as 5 motorcycles or 3 motorcycles and 1 car or truck are permitted in the parking area of any campsite.
- (8) The violation of any law or county ordinance by any member of a camping party shall constitute cause for revocation of the camping permit for the campsite in question.
- (9) With the exception of registered campers, no person shall be allowed in the campground areas above designated between the hours of 11:00 p.m. and the following 6:00 a.m. except in case of an emergency.

- (10) The Sheboygan Marsh Park Restaurant, as administrator of the campgrounds under the terms of its agreement with Sheboygan County, and the Department may adopt additional rules and regulations of the use of the campground which shall take effect upon approval by the Committee and upon posting on the campgrounds.

24.07 SPECIAL RULES FOR USE OF RECREATIONAL TRAILS.

- (1) To ensure the safety of persons using the recreational trails, Section 21.01 of the County Code of Ordinances, adopting Wis. Stat. chs. 340 through 348, applies to all activity on recreational trails.
- (2) Except as otherwise provided herein, and except at designated crossing areas, no motor vehicles are authorized for operation on the recreational trails except for emergency purposes and except for police, emergency rescue vehicles, authorized maintenance vehicles, and motorized wheelchairs.
- (3) In addition to the provisions herein, all persons using the recreational trails must abide by any posted signage on the recreational trails relating to the use of the recreational trails.
- (4) No horses or horseback riding is allowed on the Interurban Trail but shall be allowed on the Old Plank Road Trail.
- (5) No unauthorized vehicle or piece of equipment may be parked or be permitted to remain standing on any portion of the recreational trails or designated crossing areas so as to obstruct or limit passage along the trail or access point.
- (6) Personal assistive mobility devices may be used only on the Old Plank Road Trail.
- (7) No vehicle or piece of equipment having a height in excess of twelve (12) feet above the original ground grade level which would otherwise be authorized is permitted on the recreational trails.
- (8) It is prohibited to climb on any portion of any bridge on the recreational trails.
- (9) Snowmobile use is permitted on the Old Plank Road Trail. Operation should be confined, to the extent possible, to groomed portions of the trail when the trail has been groomed. Whenever possible, trail grooming should be confined to the grassy shoulder areas adjacent to the paved portion, and snowmobiles should avoid the paved portion when the paved portion is not groomed. When the

snowmobile trails in Sheboygan County are closed, there shall be no operation of snowmobiles on the Old Plank Road Trail corridor.

- (10) It is prohibited to enter or cross the recreational trail except at the designated crossing areas.
- (11) Moped use is permitted on the Old Plank Road Trail subject to the operator complying with all applicable rules of the road as set forth in Wis. Stat. chs. 340 to 348 as adopted by Chapter 21 of this Code. Moped operators shall operate with respect and deference to other trail users. Notwithstanding the foregoing, if the County Board, its County Administrator, or the Department applies for or otherwise endeavors to obtain state and/or federal grants or other financing or funding for the purpose of maintenance, enhancement, or expansion of the Old Plank Road Trail, and if any such grants, financing, or funding would be subject to mopeds not being authorized or allowed on the Old Plank Road Trail, then such moped use will be prohibited and the foregoing provisions which would otherwise permit moped use shall have no further force or effect unless and until such time as the prohibition against moped use in the grants, financing, or funding expire or is otherwise lifted. The County Administrator shall assure that in the event that moped use is prohibited as set forth above, notification of such prohibition shall be made to the public of such prohibition.

24.08 GENERAL RULES FOR USE OF SNOWMOBILE TRAILS.

- (1) To ensure the safety of persons using the snowmobile trails, Section 21.01 of the County Code of Ordinances, adopting Wis. Stat. ch. 350, applies.
- (2) In addition to the provisions herein, all persons using snowmobile trails must abide by any posted signage on snowmobile trails relating to the use of snowmobile trails.
- (3) No specific prohibited use set forth at Section 24.05 of this Code or any additional regulation enacted under Section 24.08 of this Code shall apply to any landowner who is participating in the Snowmobile Trails Program or to persons acting with the express permission of such a landowner with respect to the landowner's own land.
- (4) In addition to the provisions herein, all persons using the snowmobile trails shall adhere to the closing notice and other limitations imposed by snowmobile clubs previously in the DNR Snowmobile Trails Program.

- (5) No motor vehicles are authorized for operation on the public snowmobile trails except for emergency and rescue vehicles and snowmobiles.
- (6) No horses or horseback riding is allowed on the public snowmobile trails except on that portion of the public snowmobile trails adjacent to the Old Plank Road Trail.
- (7) No pets shall be allowed on the public snowmobile trails except on that portion of the public snowmobile trails adjacent to the Old Plank Road Trail.

24.09 FEES AND CHARGES.

- (1) Fee Administration. Except as otherwise provided, it is unlawful for any person to use any park, boat launching facility, recreational trail, or wayside without payment of the fee as provided hereafter, or for failure to properly display stickers or other indicia of payment of the fee if parked at a park, boat launching facility or recreational trail parking lot in the manner as determined by the Department and as presented to the purchaser of the fee at the time of the purchase.
- (2) Fees. The following fees shall be charged, unless otherwise specified:
 - (a) Resident Annual Family Fee. For an annual fee of \$16.00, any person who is a Sheboygan County resident may purchase a family pass allowing the resident and his or her family annual access to all facilities for up to two motor vehicles and for up to four bicycles as evidenced by stickers or other indicia of payment for that number of vehicles and bicycles.
 - (b) Non-resident Annual Family Fee. For an annual fee of \$24.00, any non-resident of Sheboygan County may purchase a family pass allowing the non-resident and his or her family annual access to all facilities for up to two motor vehicles and for up to four bicycles as evidenced by stickers or other indicia of payment for that number of vehicles and bicycles.
 - (c) Additional and Replacement Fee. Purchasers of annual passes may purchase additional or replacement motor vehicle or bicycle stickers or other indicia of payment for \$10.00 per motor vehicle and \$5.00 per bicycle.

- (d) Resident Daily Fee. For a daily fee of \$4.00, any Sheboygan County resident may purchase a family pass allowing the resident and his or her family one-day access to all facilities for up to two motor vehicles and for up to four bicycles as evidenced by stickers or other indicia of payment for that number of vehicles and bicycles.
 - (e) Non-resident Daily Fee. For a daily fee of \$6.00, any non-resident of Sheboygan County may purchase a family pass allowing the non-resident and his or her family one-day access to all facilities for up to two motor vehicles and for up to four bicycles as evidenced by stickers or other indicia of payment for that number of vehicles and bicycles.
 - (f) Event Fee. At the discretion of the Department, an event fee of not more than \$100.00 may be charged to any person who wishes to organize and hold an event involving a group at any park, boat launching area, recreational trail, or wayside.
- (3) Fee Adjustments. The fees provided for herein may be adjusted upward or downward by the Committee if it determines that the fees no longer bear a reasonable relationship to the service for which the fee is imposed.
- (4) Exceptions from the Requirement of Fees. No fee shall be required to the following persons or under the following circumstances:
- (a) No minors under the age of 16 shall be required to pay a fee.
 - (b) No fees shall be required during the winter season.
 - (c) No fees shall be required of any persons whose exclusive purpose is to patronize the Sheboygan Marsh Park Restaurant or an event sponsored by the Sheboygan Marsh Park Restaurant.
 - (d) No fees shall be required of any persons who use trails for walking only.
 - (e) No fees shall be required of any persons who only use waysides.
 - (f) At the discretion of the Department, persons who attend an event for which an event fee has been paid shall not be required to pay a fee.

- (g) No fees shall be required of any persons for the use of the Interurban Trail only except in connection with events.
- (h) No fees shall be charged to persons who are participating in environmental education programs as approved by the Department.

24.10 NON-LAPSING SEGREGATED FUND FOR ADMINISTRATION AND FACILITY MAINTENANCE. There is created a special "Recreation Administration and Maintenance Fund." The proceeds of all fees charged and collected as provided herein and all violation notice fees charged and collected herein shall be placed into this fund on a non-lapsing basis to be used by the Department as approved by the Committee, for the purpose of financing the administration of the provisions of this Chapter and the maintenance of the facilities regulated under this Chapter.

24.11 ADDITIONAL REGULATIONS. In addition to the foregoing rules, the Department is hereby authorized to adopt such further temporary rules and regulations for the use of the facilities for the purpose of addressing maintenance, weather, emergency, or such other similar situations.

24.12 ADMINISTRATION AND ENFORCEMENT.

- (1) Implementation. The Department shall develop procedures, to be approved by the Committee, for the implementation of the fees provided for in this Chapter.
- (2) Citation Enforcement of Ordinances. In addition to the Department personnel authorized by Section 90.06 of the County Code to issue citations for violations of this Chapter committed in their presence or for which they have reasonable cause to believe have been committed, the Planning Director may authorize other Department personnel to issue citations. Department personnel authorized to issue citations shall, at all times, have the right to enter upon all facilities, inclusive of such portion of the grounds, buildings, structures, or enclosures thereof which may be leased or set aside for private or exclusive use of any individual or group use thereof under the provisions of this Chapter and any rules and regulations enacted hereunder. In so entering upon the premises above described, Department personnel may use reasonable and necessary force to protect and promote the County's land and resources and the public peace. Department personnel authorized to issue citations under this Chapter may issue a violation notice to defray the cost of enforcement of all fees or forfeitures in accordance with a violation notice fee schedule as approved by the Committee.

- (3) Corporation Counsel Duties. It shall be the responsibility of the Corporation Counsel to prosecute all civil violations, which arise under this Chapter.
- (4) Penalties and Fees. Any person who shall violate any of the provisions of this Ordinance or any rule promulgated hereunder shall upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each violation in addition to the costs of prosecution, and in the case of default in payment of such forfeiture and costs, by imprisonment in the Sheboygan County Jail for a term not exceeding five (5) days.

Section 2. **Repealing Chapters 25 and 27 of the Sheboygan County Code**. Chapter 25, Marsh Park Regulations, and Chapter 27, Gerber Lakes Public Fish & Wildlife Area Regulations, are hereby repealed.

Section 3. **Effective Date**. The herein Ordinance shall take effect upon publication and enactment, except the fee and pass provisions of Section 24.10 shall take effect on April 1, 2010.

Respectfully submitted this 22nd day of September, 2009.

PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

Jacob Van Dixhorn
Jacob Van Dixhorn, Chairperson

Keith Abler
Keith Abler, Vice-Chairperson

Michael S. Ogea
Michael S. Ogea, Secretary

James Baumgart
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ENACTED 10.20.2009

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